Contingency Contracting Training

Cultural and Situational Awareness

Chapter 8 in DCC Handbook

Current a/o 15 Aug

Overview

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Key Points

- Contingency Contracting Officers (CCOs) must be familiar with the statutes, directives, treaties, and agreements that will affect contracting operations when deployed
- Much of the business conducted by contractors overseas is by negotiation; negotiating for lower prices should be considered a normal business practice
- Be aware of anti-terrorism countermeasures and security
- Maintain information operations security in all your activities
- CCO's must be aware of the risks associated with contracting in an austere or contingency situation

Cultural Awareness

Learn as much as possible about the country you'll be visiting:

- Try to understand the culture, customs, the business environment and infrastructure
- Other nations may have lifestyles and habits not similar to our own, resist the temptation to make value judgments
- Establish a rapport with local nationals, who can forewarn about suspicious activities, may even ward off impending attacks, and may prevent you from making grave social errors that might offend other local nationals
- Learn the local language, but especially key phrases such as "I need a policeman," "Help," "Fire," or "I need a doctor"
- Know how to use local telephones, keep pocket change on hand
- Blend in with your environment as much as possible - American-frequented restaurants and bars can become targets

Cultural Awareness

- Available sites to assist in familiarizing with the host culture:
  - CIA World Factbook
  - WorldSmart Resource Center
  - Defense Language Institute Foreign Language Center offers culturally based education in more than 40 languages, to download for predeployment training, deployment use, or refresher training _
  - US Marine Corps Center for Advanced Operational Culture Learning (CAOCL) provides information about regional cultures and languages to help planning and operations in a Joint expeditionary environment
  - Air Force Air University offers sociocultural and language resources
    - Air Force Culture and Language Center's Expeditionary Skills Training Portal

Cultural Awareness

- Ethical duties the CCO should follow:
  - Must always observe appropriate ethics regulations
  - Explain to contractors the restrictions placed on US procurement officials when conflicts with local practices arise
  - Conduct site inspections and see the products when possible
  - Advise US commanders, requirements personnel, and CCO-appointed representatives about practices that may violate standards of conduct
- Many business cultures:
  - Expect kickbacks, finder's fees, exchange of gifts, or other gratuities that are illegal for US personnel to provide or accept
  - Encourage the use of deceptive techniques during negotiations; the rule of law and level of corruption influence outcomes
  - May promise more than they can deliver or faster timelines than are actually possible
- Personnel should obtain the assistance of the legal office for guidance with respect to ethics matters

Cultural Awareness

Negotiating Practices:

- First price quoted is usually only a starting position for negotiations
- Most foreign contractors can be shrewd negotiators
- Negotiating for lower prices should be considered a normal business practice; 2-3 rounds of exchange may be the most prudent and effective way to reduce prices proposed
- Bargaining position is enhanced when the product or service is available elsewhere, or the requirement is not urgently needed; if these two factors are reversed and the contractor is aware of that, the CCO may be hard pressed to negotiate a better deal
- Document what conditions were like to support the determination of fair and reasonable price

Cultural Awareness

Oral Agreements:

- A handshake is prevalent in many countries to conclude an agreement, which may occur at the outset of the contingency, humanitarian assistance, or peacekeeping operation; must be quickly followed with a written contract
- Contracts written in English may be viewed by vendors with suspicion and sometimes anger
- Obtaining a vendor's signature on a contract may become a challenge
  - If this happens, the OO, FOO, and the CCO must document the file with a memorandum for record or annotate the contractual document (document not signed)
  - CCOs, OOs, and FOOs should ensure that another US government official countersigns the document
- Once a contract has been performed and the contractor has received payment, relations should improve
- Remember to keep oral communications simple and straightforward

Cultural Awareness

- Local business practices may require COs to arrange for immediate payment after completion and acceptance of work
- Some interpreters are considered CAAF, as mission essential contractor employees
  - Mission essential interpreters have managerial or technical skills not commonly found in the general population
  - If CAAF interpreters are not available, CCOs should contact the US embassy for a list of approved interpreters
  - In absence of embassy support, CCOs may check with hotels, find a phone book, ask bus drivers for tour operations, or contact local schools
- Customs and Taxes, if procedures have not been established, contact the customs office or US embassy for guidance

Situational Awareness

Operations Security (OPSEC) Awareness:

- Fundamental security awareness is needed at all times
- OPSEC is the process of identifying critical information and subsequently analyzing friendly actions attendant to military operations and other activities to:
  - Identify actions that can be observed by adversary intelligence systems
  - Determine indicators that an adversary's intelligence systems might obtain that could be interpreted or pieced together to derive critical information
  - Select and execute measures that eliminate or reduce to an acceptable level the vulnerabilities of friendly actions to adversary exploitation
- The key is to identify indicators that are tip-offs of impending activities or, in some cases, observable deviations from normal operations

Situational Awareness

- OPSEC is a continuous, systematic process involving security and common sense
- Used to analyze operational plans or programs to detect any weakness, which could provide adversaries or potential adversaries useful information
- Most important steps in the process are:
  - Knowing your unit's mission
  - Recognizing the adversary's intelligence threat to your unit
  - Being aware of unit's critical information - essential elements of friendly information
  - Identifying indicators which might disclose this information
  - Developing protective measures to eliminate these indicators
  - Being constantly alert for vulnerabilities in your unit

Communication with Vendors (Elicitation, Espionage, and Subversion)

- CCOs will develop a rapport with foreign vendors over time, but remain wary of what is said to even the most trusted contractors
- Vendors may try to solicit information that might be of possible intelligence value
- Immediately report any suspicious activities to the Army's CID, Air Force's OSI, NCIS, or local security unit
- Information within contract requirement documents could disclose operational information (completion dates, troop movement, and delivery locations)
- Be cautious when using satellite, cellular phones, and electronic e-mail, which are generally not secure

Communication with Vendors (Elicitation, Espionage, and Subversion)

Local National Contractor Security:

- CCOs must be aware that many contractors live in the local area and that doing business with the US government can be dangerous for them and their families
- All precautions must be taken to ensure that a contractor's personal information is protected
- Consider the possibility that a local contractor may need to be billeted on the base to reduce the security risk to themselves and their family, thus changing their status to CAAF
- Prior to publicizing award notifications and other contracting information, check the local policy on what needs to be posted

Antiterrorism and Security

- The Department of State publishes an annual country reports identifying terrorist groups and describing their actions against Americans (http://www.state.gov/s/ct/rls/crt/)
- Also ask your intelligence officer or your chain of command for information on terrorist groups in your area
- Be alert to news stories in the paper, on radio, or on television
- If you know how terrorist groups operate in your area, avoid danger spots and detect evidence of an attack before it occurs
- Your personal awareness can contribute to efforts made by the US government to protect forces

Personnel Recovery

Personnel recovery is the sum of military, diplomatic, and civil efforts to prepare for and execute the recovery and reintegration of *isolated personnel*

- Who? US military, DoD civilians, contractor personnel and others designated by the President or SecDef
- What? Separated from their unit (as an individual or group) and are (or may be) in a situation where they must survive, evade, resist, or escape
- When? While participating in a US sponsored military activity or mission
- Where? Anywhere with American interests
- Why? To attack personnel affiliated with American interests

Personnel Recovery

Personnel Recovery Requirements:

- Commanders must plan for the possible isolation, capture or detention of contractors by adversarial organizations or governments, who must be included in the personnel recovery plan as demonstrated in JOPES [Joint Operation Planning and Execution System] and subordinate operational orders and plans, as well as contractor integration plans
- Contractual agreements:
  - Require contractors to be personnel recovery trained, to prepare DoD Form 1833, *Isolated Personnel Report* (ISOPREPs), and to prepare an evasion plan of action (EPA)
  - Clearly identify the organization and responsibility for ensuring personnel recovery training is accomplished and the ISOPREPs and EPAs are included in the theater's personnel recovery plan, and recovering and reintegrating isolated contractors
- Reference JP 3-50, *Personnel Recovery*

Chapter Acronyms

- CAAF – Contractors Authorized to Accompany the Forces
- CAOCL – Center for Advanced Operational Culture Learning
- CCO – Contingency Contracting Officer
- CID – Criminal Investigation Division
- DoD – Department of Defense
- EPA – Evasion Plan of Action
- FOO – Field Ordering Officer
- ISOPREP – Isolated Personnel Report
- JOPES – Joint Operation Planning and Execution System
- NCIS – Navy Criminal Investigation Service
- OO – Ordering Officer
- OPSEC – Operations Security
- OSI – Office of Special Investigation
- RIP/TOA – Relief in Place/Transfer of Authority
- SOFA – Status of Forces Agreement
- US – United States
- USAFRICOM – United States Africa Command
- USCENTCOM – United States Central Command
- USPACOM – United States Pacific Command
- USSOUTHCOM – United States Southern Command

Agile Contracting Support…Anytime… Anywhere